

Applicants: Andreo Larsen
U.S. Serial No.: 10/566,347
Filed: January 26, 2006
Page 6

REMARKS

Claims 1-19 were pending in the subject application. By this Amendment, applicants have cancelled claims 3, 12 and 18-19 without disclaimer or prejudice to applicant's right to pursue the subject matter of these claims in the future, and have amended claims 1, 4 and 13. Support for the amendment to claim 1 may be found in the specification, *inter alia* at page 2, paragraph 4 and at page 3, lines 1-2 together with figures 3-8. Claim 4 has been amended to depend from original claim 2 rather than canceled claim 3. Claim 13 has been amended to depend from original claim 2 rather than canceled claim 12.

No issue of new matter is raised by these amendments. Accordingly, upon entry of this Amendment, claims 1-2, 4-11 and 13-17, as amended, will be pending and under examination in the subject application.

In view of the preceding claim amendments and the remarks which follow, applicants maintain that the grounds of rejection set forth in the July 21, 2008 Office Action have been overcome, and respectfully request that the Examiner reconsider and withdraw these grounds of rejection.

Rejection Under 35 U.S.C. § 102

The Examiner has rejected claims 1-8 and 12-19 under 35 U.S.C. §102(b) as allegedly anticipated by Berg (US Patent No. 4,863,448).

Claim 1 has been amended to include features such that the adhesive surfaces of both the fixing strips being protected

with a strippable rip tag can be released in the form of an elongated band and that the means comprises one, single, uniform, substantially U-shaped rip tag.

Berg discloses that the ring 50 encircles the outer surface of the sheath by going around the front side of the sheath. However, applicants note that the ring 50 of Berg does not go over the tip of the sheath as in the claimed invention. The rip tag of Berg is described inter alia at column 3, lines 63-67 and shown in Figures 11 and 14 to be comprised of two similar joined halves that are not U-shaped and do not extend over the tip of the sheath.

Applicants further note that it is vital to protect both sides of the fixing strips by one, single common rip tag as described in amended claim 1. Applicants maintain that in Berg, there is described a ring 50 that can be bent while both sides will separately make a U-shaped rip tag. This kind of annular ring made of two separate U-shaped pieces, going around the front side of the sheath differs from the one, single, uniform, U-shaped rip tag of the claimed invention. Applicants further maintain that when the rip tag is structured as a U-shaped structure that can be released in the form of an elongated band, it is much easier to remove than an annular ring as disclosed in Berg since it is removable by one single finger movement by simultaneously peeling the ends of the rip tag from the adhesive surfaces of the fixing string.

When removing the annular ring tear-off portion 50 according to Berg, it should be torn off transversely while the rip tag 7 of the claimed invention can be removed as an elongated band. Applicants maintain that releasing the rip tag as an

Applicants: Andreo Larsen
U.S. Serial No.: 10/566,347
Filed: January 26, 2006
Page 8

elongated band is a much simpler task than taking off an annular ring and then tearing it in several pieces.

Applicants contend that Berg does not disclose any of the following elements recited in amended claim 1: (a) a strippable rip tag that can be released in the form of an elongated band, (b) one, single, uniform, substantially U-shaped rip tag, and (c) a U-shaped rip tag whereby the end is bent inwardly against the adhesive surface of the fixing strip.

In view of the preceding remarks and the amendments to the claims applicants request that the Examiner reconsider and withdraw the rejection under 35 U.S.C. §102(b).

Rejections Under 35 U.S.C. § 103

A. The Examiner rejected claim 9 under 35 U.S.C. §103(a) as allegedly unpatentable over Berg (US Patent No. 4,863,448) in view of Figuerido (US Patent No. 5,643,235).

As indicated in response to the rejection under §102(b) Berg does not disclose any of the following elements: (a) a strippable rip tag that can be released in the form of an elongated band, (b) one, single, uniform, substantially U-shaped rip tag, and (c) a U-shaped rip tag whereby the end is bent inwardly against the adhesive surface of the fixing strip. Each of these elements is recited in amended claim 1 from which claim 9 depends.

Figuerido does not disclose any of elements: (a) a strippable rip tag that can be released in the form of an elongated band, (b) one, single, uniform, substantially U-shaped rip tag, and

(c) a U-shaped rip tag whereby the end is bent inwardly against the adhesive surface of the fixing strip. Therefore, no combination of Berg and Figuerido contains all the elements of amended claim 1. Accordingly, claim 9 which depends from amended claim 1 cannot be obvious from a combination of the teachings of Berg and Figuerido.

In view of the foregoing remarks applicants request that the Examiner reconsider and withdraw this ground of rejection under 35 U.S.C. §103(a).

B. The Examiner also rejected claims 10 and 11 under 35 U.S.C. §103(a) as allegedly unpatentable over Berg (US Patent No. 4,863,448) in view of Smith (US Patent No. 4,601,716).

As indicated in response to the rejection under §102(b) Berg does not disclose any of the following elements: (a) a strippable rip tag that can be released in the form of an elongated band, (b) one, single, uniform, substantially U-shaped rip tag, and (c) a U-shaped rip tag whereby the end is bent inwardly against the adhesive surface of the fixing strip. Each of these elements is recited in amended claim 1 from which claims 10 and 11 depend; claim 11 depends on claim 2 which depends on amended claim 1.

Smith does not disclose any of following elements: (a) a strippable rip tag that can be released in the form of an elongated band, (b) one, single, uniform, substantially U-shaped rip tag, and (c) a U-shaped rip tag whereby the end is bent inwardly against the adhesive surface of the fixing strip. Therefore, no combination of Berg and Smith contains all the elements of amended claim 1. Accordingly, claims 10

Applicants: Andreo Larsen
U.S. Serial No.: 10/566,347
Filed: January 26, 2006
Page 10

and 11 which depend from amended claim 1 cannot be obvious from a combination of the teachings of Berg and Smith.

In view of the foregoing remarks applicants request that the Examiner reconsider and withdraw this ground of rejection under 35 U.S.C. §103(a).

Applicants: Andreo Larsen
U.S. Serial No.: 10/566,347
Filed: January 26, 2006
Page 11

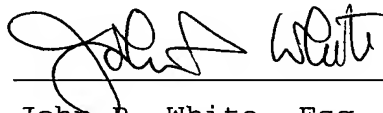
Summary

A sincere effort has been made to present claims which clearly distinguish over the cited prior art. In view of the preceding amendments and remarks, the Examiner is urged to withdraw the rejections of the claims and to pass the application to allowance.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

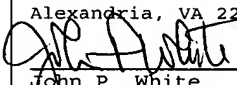
No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White, Esq.
Registration No. 28,678
Attorney for Applicant
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

 October 21, 2008
John P. White Date
Reg. No. 28,678